

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

STUDENTS FOR FAIR ADMISSIONS,)
INC.,)

Plaintiff,)

v.)

Case No. 1:20-cv-763

UNIVERSITY OF TEXAS AT AUSTIN;)
JAMES B. MILLIKEN, Chancellor of the)
University of Texas System in his)
Official Capacity; STEVEN LESLIE,)
Executive Vice Chancellor for Academic)
Affairs of the University of Texas System)
in his Official Capacity; DANIEL H.)
SHARPHORN, Vice Chancellor and)
General Counsel of the University of Texas)
System in his Official Capacity;)
JAY HARTZELL, Interim President of the)
University of Texas at Austin in his)
Official Capacity; BOARD OF REGENTS)
OF THE TEXAS STATE UNIVERSITY)
SYSTEM; DAVID J. BECK, CHRISTINA)
MELTON CRAIN, KEVIN P. ELTIFE, R.)
STEVEN HICKS, JODIE LEE JILES,)
JANIECE LONGORIA, NOLAN PEREZ,)
KELCY L. WARREN, AND JAMES C.)
“RAD” WEAVER, as Members of the Board)
of Regents in Their Official Capacities;)
DANIEL JAFFE, Interim Executive Vice)
President and Provost; RACHELLE)
HERNANDEZ, Senior Vice Provost for)
Enrollment Management and Student)
Success; and MIGUEL WASIELEWSKI,)
Executive Director for Office of Admissions,))

Defendants.)

**Declaration of
Adaylin Alvarez**

I, Adaylin Alvarez, pursuant to 28 U.S.C. § 1746, declare the following:

1. The facts set forth in this declaration are based on my personal first-hand knowledge, and if called as a witness, I could and would competently testify to the following matters under oath.
2. I identify as Mexican-American.
3. I am currently a rising senior at the University of Texas at Austin (“UT”), studying both English and Biology.
4. Race has had a role in shaping my experiences since I born. My mother immigrated to the U.S. from Mexico. She experienced multiple barriers navigating the immigration system, in part due to the distinct challenges faced by lower-resourced Mexican immigrants in this country who do not have the same pathways to citizenship and who routinely face different prejudices within our immigration system and other state social systems from healthcare, to education, to housing programs. When she was pregnant, she did not have access to routine medical care. She gave birth to me in a maternity center in Texas because she did not have access to a hospital.
5. Once I was born, my experiences continued to be directly affected by the distinct prejudices and difficulties faced by immigrants from Mexico like my mother. For example, her employers would take advantage of her by paying her less than minimum wage because they presumed that she would not file a complaint. This created additional financial challenges for my family. My mother also routinely sent money to our family in Mexico due to the economic hardships they faced, placing additional strain on our finances.
6. These financial strains and disconnect from state support systems, which were partially due to my family’s ethnicity, presented constant challenges. When my mother hurt herself, she was advised to take six months off from work but only took off three

months because we needed financial support. When I broke my arm in 8th grade, we did not have insurance or money to continue to pay for physical therapy which forced me to stop physical therapy before my arm was completely healed. I still have physical problems with my arm.

7. These challenges often upset me but watching my mom overcome each and every barrier made me even more determined to succeed and help others who faced similar types of barriers. I intimately knew that our immigration system needed to be fixed, and that we also needed to fix our provision of various social services to make sure that all hard-working families like mine – regardless of their ethnic and immigration background – could access basic resources and report employer abuses. I knew this type of additional support would improve individual lives and broader society since more talented individuals could meet their full potential.
8. I applied to UT in the fall of 2016. I applied because I wanted to be the first in my family to go to college and eventually become either a lawyer or doctor. I wrote my essay on my mom's experiences immigrating to this country and how this impacted my own life path from birth through high school. I explained how my drive to succeed academically and professionally drew from being raised by parents who did not receive an education in the U.S.; how it drew from my mom's constant support no matter what the circumstances; and how it drew from my commitment to serving other families such as mine across Texas and the country. All of these sources of motivation were shaped by our family's racialized experiences as Mexican-American immigrants.
9. In high school, I actively participated in extracurricular activities which contributed to my leadership growth and development, including Student Council, Theater Club, and Debate Club. I held the position of Treasurer on Student Council during my junior and

senior years. The experience taught me valuable financial management, budgeting, and fundraising skills. As a member of the Debate Club, I improved my public speaking and analytical skills. Participating in the club built my confidence in public speaking, namely, learning to better articulate my ideas, studying and memorizing lines, improving my grammar, and increasing my facility with figurative language.

10. I actively maintained excellent academic performance through high school coursework. For example, I took several AP classes—including Spanish, English, History, Biology, Physics, and Biology—passing the Spanish, History and English AP exams. While I did not pass the AP Calculus exam, I received an A in the course and went on to excel in the sciences during college.
11. My hard work in high school was the strongest indicator of my capacity to learn and likelihood of success at UT-Austin, not standardized test scores. The SAT and ACT exams did not prepare me for any of my coursework at UT-Austin. I received a 1,200 on the SAT and 26 on the ACT exams. I tried to increase my ACT score by taking the exam again, but my family could not afford thousands of dollars of test-prep courses. I am confident that my score would have increased if I could have had access to the prep course, but they would not have contributed to my learning, or increased my capacity to learn. While I received the lowest score in math on both exams, I am currently a Biology and English double major and have received academic awards for my performance in the sciences, including the First Year Excellence Award in Biology, and the Second Year Excellence Award in Biology. I am also on the Dean's Honor List for my English major. I was particularly troubled to learn that UT-Austin was using SAT and ACT scores as a way to either defer or reject students of color. My own

experience demonstrates that standardized test scores are not meaningful indicators of a student's ability to learn.

12. Because I was in the top 7% of my class, I was automatically admitted to UT.
13. While I was not admitted through UT's holistic, race-conscious program, it still mattered to me that the college considered race as one of many factors in the admission of some students because it honors my own experience. If UT did not consider race in its holistic admissions process, it would disadvantage other students of color in that process who – like me – can only fully capture their strengths and potential contributions with some reference to their race. Ignoring race and ethnicity undervalues many minority students' talents and it risks decreasing the number of minority students across all different backgrounds on UT's campus.
14. During my time attending UT, my educational experience has directly benefitted from having higher numbers of minority students of all racial and ethnic backgrounds and beliefs. For example, during my freshman year, I partook in conversations organized by the Palestine Solidarity Committee. These conversations involved students from a broad cross-sector of racial and ethnic backgrounds, including those who identified as Palestinian, Native American, Jewish, and Mexican-American like me. Having students from a diverse range of backgrounds made me draw new connections in new ways between the walls being built in Palestine, to the walls that were built in Berlin, to the to the walls now being called for at the U.S. Mexico border. It also made me think more deeply about how we treat Native Americans in the U.S., both historically and today.
15. I have also benefitted from racial diversity in several of my classes. For example, I took a class called African American Literature in the fall of 2018. At first, I was

surprised that the professor was white, but it ended up being one of my favorite courses. The professor made it clear that she was not speaking for people of color. We set ground rules for the discussion at the beginning of the semester. It made a big difference that the class was racially diverse with many Black, Latinx, and white students. Some of my classmates who identified as Black shared their preference that racially pejorative words should not be said, that we should not speak for someone else's experiences, and we should not erase anybody's experience. Everyone in class agreed with these ground rules and we engaged in very rich conversations throughout the semester where students expressed a variety of viewpoints and perspectives.

16. I found these ground rules very helpful because classmates have previously ignored my experiences by expressing disbelief that my accounts about my family's interactions with the immigration or healthcare system "can't be true." I felt grateful that my classmates of color taught me more tools for engaging in these difficult conversations, such as requesting certain ground rules. With these tools, I've been better able to share my perspective with other classmates.

17. My academic and social experience at UT has also greatly benefitted from the Multicultural Engagement Center (MEC) which is a student resource office committed to supporting a culturally diverse campus. MEC houses six student-run agencies, provides leadership development opportunities, presents peer-facilitated social justice and education trainings, offers a number of support services to student organizations, and hosts community outreach programs such as culturally relevant campus tours and student panels. MEC helped me find a place where I feel like I belong. I found a study space and friends who are supportive and keep me going and on track every day. Hearing from other students of color during MEC's events and informal conversations

makes me know that I'm not alone in my struggles at UT. When I'm exhausted, it's the only space where I feel like I can rest. It allows me to re-energize myself so I'm better able to express myself and succeed in the other spaces across UT's campus which tend to be predominantly white and where I often feel judged and tokenized based on my ethnic identity.

18. UT still has a long way to go to fully support students of color on campus. For example, UT should keep improving the cultural competency of the academic and emotional support services for students on campus. As a Mexican-American, I have often felt emotionally distressed by xenophobic dialogues that are happening nationally and on UT's campus. These conversations wear on me, often making it harder to focus on schoolwork. For a while, I did not reach out to UT's student support services because I did not know they existed. When I did see their brochures and advertisements, I did not see other people of color who looked like me and this made me more wary of reaching out. I finally reached out after encouragement from friends I made at the MEC and different organizations like Texas Orange Jackets, an honorary service organization for women and non-binary individuals.
19. There are still racially hostile incidents on UT's campus that make me feel unsafe. For example, I learned in Fall 2019 that there were bleach balloons being thrown at Black students on campus. I have also been called "terrorist" by white students at different protests on campus. These types of inhumane, racially-motivated attacks saddened and angered me. It painfully reminded me that UT remains an unwelcoming place for Black and Brown students. I think UT's history of excluding Black students emboldens others to target such groups so they feel like unwelcome outsiders.

20. Some of UT-Austin's traditions are also racially discriminatory and reinforce a legacy of white supremacy. For example, the school song – The Eyes of Texas – has its origins in the Confederacy, segregation, and minstrel shows. Despite its clear racist origins, UT-Austin has resisted demands to remove the song due to pressure from wealthy donors. This demonstrates that the institution cares more about money than students, and shows its indifference to the historical trauma that many Black students experience when hearing the song.
21. Students of color have worked hard to improve the campus climate so Black and Brown students feel more welcome on campus. I know that students of color and white allies fought for the removal of confederate statues on campus in 2015. Students of color have also led sit-ins to protest sexual harassment by professors, efforts to change the names of buildings named after confederate leaders, counter-speech rallies to push back on cries to “build a wall” separating the U.S. from Mexico, and countless student events that build greater cross-cultural awareness and dialogue on topics ranging from poetry, to art, to lectures on various topics. Had I known about UT-Austin's troubled racial history, I would have been discouraged from applying to the institution. Fortunately, these types of efforts led by students of color have made me feel exceedingly more welcome on UT's campus and have also cultivated collaborations amongst students who identify with a wide range of racial and ethnic backgrounds.
22. Since the nation's attention has shifted to racial justice, UT-Austin student leaders have continued to pressure the institution to change other iconography around its campus that reinforces a racist legacy. After many years of demands to confront its troubled racial history, UT-Austin is slowly taking more steps to do so because the demands have come from the university's Black athlete student leaders, who threatened not to

participate in functions apart from required games and practice—a move that would substantially reduce the institution’s revenue—if the institution did not meet its demands for meaningful changes.

23. While UT has made some changes in an effort to confront its segregationist legacy, these steps remain insufficient for cultivating an inclusive campus community. For example, thousands of students, alumni, faculty, and staff wrote a letter urging the University to take concrete action to condemn racial violence and support Black, Indigenous, and People of Color (BIPOC) communities on UT’s campus. One of these demands was to stop honoring people who perpetuated racism on this campus by “Renaming Robert Lee Moore Hall, Painter Hall, Littlefield Hall, Littlefield Patio Cafe, Littlefield Fountain, Belo Center for New Media, James Hogg Auditorium, and removing the James Hogg Statue.” While UT agreed to rename the building named after racist former professor Robert L. Moore as the “Physics, Math, and Astronomy Building,” UT has taken little to no action with regard to the other buildings that commemorate slaveholders, confederate soldiers, and discriminatory faculty. As one example, T.S. Painter Hall is named for the UT president who denied Black student Heman Sweatt entrance to the university law school in an effort to uphold racial segregation. Instead of renaming the building—as urged by students, alumni, and staff—UT will only be designating a Heman Sweatt entrance to Painter Hall. Retaining the building’s namesake continues the reminder that UT fought hard to deny admission to Black students to attend UT and signals that students of color remain unwelcome today. UT’s actions to date fail to fully address how the building’s namesake creates substantial discomfort, alienation, and isolation for students of color, especially Black students. It makes it harder to learn in such buildings and across UT’s campus.

24. As another example, UT has refused the demands of students, alumni, and faculty to “Discontinue any use of ‘The Eyes of Texas’ at all UT related events and compose a new official school spirit song with the inclusion of BIPOC [Black, Indigenous, and other People of Color] composers and musicians.” The “Eyes of Texas” has anti-Black origins, debuting as part of minstrel shows with Blackface performers who derisively stereotyped and caricatured the Black community. Instead, UT has merely stated that it will provide greater historical context around the song. Such action will not fully address the psychological harm inflicted by a song that sends the message to Black students and other students of color that their culture is not respected by UT. It suggests non-white cultures and perspectives are less valuable at UT, making me even more uncomfortable about speaking up and fully participating in predominantly white campus activities. Altogether, UT’s actions to date fall short of addressing the racially hostile climate that, though often rooted in UT’s segregationist past, continues to have present-day manifestations and effects that hamper the ability of students of color to learn, fully participate in campus activities, and comfortably interact with others across the campus community.
25. UT-Austin has not met all of the demands of student organizers, Black student leaders, and Black athletes, all of whom have been instrumental in pushing UT-Austin to confront its racial legacy and create a more inclusive campus community. I am confident that if the university recruits more students of color with the leadership qualities that I have seen from my peers, UT-Austin will have a richer and more inclusive intellectual community where students from all racial backgrounds can feel fully comfortable participating and interacting across differences.

26. Altogether, it is important that UT continue to consider race as part of its holistic admissions process. No other factor can fully capture the lived experiences and potential contributions of students like me whose lives are daily touched by their ethnic identity which intersects with – but is also distinct – from various other identities such as being an immigrant, being of a lower socioeconomic status, and much more. It is equally important that UT cultivate racial diversity and sufficient numbers of students of all racial backgrounds on campus because it allows for an equal playing field between privileged and non-privileged applicants, difficult dialogue to be discussed, and a more inclusive and diverse student body.

I declare under the penalty of perjury under the laws of the United States of America and the State of Texas that the foregoing is true and correct and that this declaration was executed on

November 19, 2020, in Hidalgo County, Texas.


Adaylin Alvarez